

REMARKS

This Amendment is in response to the Office Action of April 24, 2009. In the Office Action, claims 1-4, 7-13, 16-20 and 23-25 were rejected. With this Amendment, claims 1, 2, 10, 12 and 19 have been amended and claim 26 has been newly added. Claims 5, 6, 14, 15, 21 and 22 were previously cancelled. No new matter has been introduced as a result of the claim amendments and the addition of claim 26. Claims 1-4, 7-13, 16-20 and 23-26 are presented for reconsideration and allowance.

Claim Rejections 35 USC 112

Claim 12 was rejected under 35 USC 112, second paragraph based on lack of antecedent basis for the phrases “the received first signal” and “the second control primitives.” Antecedent basis for “the received first signal” is “a received first signal” at line 3 of amended claim 12. Claim 12 is amended to remove the reference to “the second control primitives.” Withdrawal of the rejections of claim 12 and reconsideration and allowance of claim 12 are therefore requested.

Claim 19 was rejected under 35 USC 112, second paragraph based on lack of antecedent basis for the phrase “the received physical layer.” With this Amendment, claim 19 is amended to remove the word “received” from this phrase. Withdrawal of the rejection of claim 19 and reconsideration and allowance of claim 19 are therefore requested.

Claim Rejections - 35 USC 103

Claims 1, 2, 4, 7-11, 13, 16-19, 21, 23-25 were rejected under 35 USC 103(a) over Ghaffari et al. U.S. Patent 6,829,663 in view of Lo et al. U.S. Patent Publication 2004/0010625.

With this Amendment, claim 1 has been amended to include the following underlined portion.

- a first line driver coupled to transmit control data that includes an adjustable pre-emphasis and that has a response to the first physical layer quality data, the control data comprises data indicating a comparison of the received first physical layer quality data to a quality standard,

the first physical layer quality data and the quality standard are independent of any synchronization data.

Pages 3 and 4 of the specification provide a description of the distinction between quality data and synchronization data or signals.

Ghaffari does not address physical layer quality as featured in claim 1. Ghaffari discloses primitives and primitive encoder 216 and primitive decoder 212 in a link layer in FIG. 2 and at column 6, lines 10-14. Primitives in Ghaffari are simply commands or indications of events. These primitives in Ghaffari are transmitted over a communication channel independently of the quality of the communication channel. Ghaffari appears to assume a certain quality level of the communication channel when the primitives are transmitted. Ghaffari does not teach or expressly or impliedly suggest the above element of claim 1. Lo does not make up for the deficiencies of Ghaffari. Thus, claim 1 is allowable over the cited art.

Independent claims 10 and 19 include elements similar to those of claim 1 and are thus non-obvious and patentable. Withdrawal of the rejections of claims 10 and 19, and reconsideration and allowance of claims 10 and 19 are therefore requested. Dependent claims 2-4, 7-9, 11-13, 16-18, 20 and 23-26 include additional limitations that, when taken in combination with their respective base independent claims 1, 10 or 19, are also non-obvious and patentable. Withdrawal of the rejections of dependent claims 2-4, 7-9, 11-13, 16-18, 20 and 23-26, and reconsideration and allowance of claims 2-4, 7-9, 11-13, 16-18, 20 and 23-25 are therefore requested.

CONCLUSION

The other art made of record by the Examiner (Chan '734, Chan '865, Betts '519, Barkaro '873 and Wang '705) has been considered, and the claims are considered patentable over these references as well. The Application appears to be in condition for allowance of claims 1-4, 7-13, 16-20 and 23-26. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

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